

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

Ashmeen Modikhan,

Case No. 19-46591-jmm

Debtor.
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Ashmeen Modikhan,

Plaintiff,

Adv. Pro. No. 21-01009-jmm

against

Darren Aronow, Esq., et al.,

Defendants.
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ORDER SCHEDULING HEARING ON PLAINTIFF’S MOTION TO RECONSIDER

WHEREAS, on January 29, 2021, plaintiff, Ashmeen Modikhan (the “Plaintiff”), commenced this adversary proceedings by filing a complaint (the “Complaint”) [ECF No. 1]; and

WHEREAS, on August 20, 2021, the Plaintiff filed an amended complaint (the “Amended Complaint”) [ECF No. 77]; and

WHEREAS, defendants Darren Aronow, Courtney R. Williams, Rushmore Loan Management Servicer, LLC, as servicer for U.S. Bank National Association, as Trustee of Dwelling Series IV Trust, Marianne DeRosa as Chapter 13 Trustee, Fay Servicing, LLC, Hanin R. Shadood and Rushmore Loan Management Services, Inc., as Servicer for U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust (collectively, the “Defendants”), filed motions to dismiss (the “Motions to Dismiss”) this adversary proceeding; and

WHEREAS, on February 18, 2022, the Court entered a memorandum decision (the

“Memorandum Decision”) granting the Motions to Dismiss in whole or in part [ECF No. 143];
and

WHEREAS, on February 22, 2022, the court held a conference (the “Hearing”) in the
Adversary Proceeding; and

WHEREAS, on March 7, 2022, the Clerk of the Court entered orders [ECF Nos. 149,
150, 151, 152, 153, 154, 155] (the “Dismissal Orders”) granting the Motions to Dismiss in whole
or in part; and

WHEREAS, on June 15, 2022, the Plaintiff filed a motion to reconsider the Dismissal
Orders (the “Motion to Reconsider”) [ECF No. 178], which was not noticed for a hearing; and

WHEREAS, on June 29, 2022, the Court entered an order [ECF No. 181] scheduling a
hearing on the Motion to Reconsider for August 2, 2022, as well as directing that opposition not
be filed until a schedule for written opposition is set at the August 2, 2022 hearing; and

WHEREAS, on July 7, 2022, the Debtor filed a notice for the Motion to Reconsider
[ECF No. 187], noticing the Motion to Reconsider for an August 2, 2022 hearing and setting a
July 26, 2022 deadline for objections; and

WHEREAS, on July 26, 2022, Ms. Williams filed an affirmation in opposition to the
Motion to Reconsider [ECF No. 188]; and

WHEREAS, on July 26, 2022, Fay Servicing LLC filed an affidavit in opposition to the
Motion to Reconsider [ECF No. 191]; and

WHEREAS, on August 2, 2022, the Court held a hearing on the Motion to Reconsider;
and

WHEREAS, at the August 2, 2022 hearing, the Court denied the Motion to Reconsider.

NOW, THEREFORE, IT IS

ORDERED, based on the record of the August 2, 2022 hearing, the Motion to Reconsider is denied.

**Dated: Brooklyn, New York
August 11, 2022**





Jill Mazer-Marino
United States Bankruptcy Judge